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MEMO ENDORSED

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VIA CM/ECF ONLY

January 7, 2021

U.S. District Judge Katherine Polk Failla
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, New York 10007

Re: Mercer v. Kennebunk Port Inn, LLC, Case No. 20-cv-10222-KPF

Dear District Judge Failla:

This office represents the Plaintiff Stacey Mercer (“Plaintiff”) in connection with the above-referenced action. We are pleased to inform the Court that the above referenced action has been settled and that the parties are in the process of drafting and exchanging a settlement agreement that will be reviewed by the parties and their counsel for execution. Respectfully, we are requesting together with counsel for the defendant a stay of all deadlines and conferences for a period of up to thirty (30) days so that the parties can finalize the settlement agreement and file a stipulation of dismissal.

We thank this Honorable Court for its time and consideration in this matter.

Respectfully submitted,

BASHIAN & PAPANTONIOU, P.C.
/s/ Erik M. Bashian

Erik M. Bashian, Esq.

cc: Samuel Sverdlov, Esq. (via CM/ECF)

The Court is in receipt of the above joint motion from the parties (Dkt. #9). Application GRANTED. All deadlines and conferences are hereby adjourned. Furthermore, the Court ORDERS that this action be conditionally discontinued without prejudice and without costs; provided, however, that on or before **February 10, 2021**, the parties may submit to the Court their own Stipulation of Settlement and Dismissal for the Court to So Order. Otherwise, within such time Plaintiff may apply by letter for restoration of the action to the active calendar of the Court in the event that the settlement is not consummated. Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not requested restoration of the case to the active calendar on or before **February 10, 2021**.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

Dated: January 11, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE